

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK HELICOPTER CHARTER, INC.  
and MICHAEL ROTH individually,

Plaintiffs,

**NOTICE OF MOTION**

-against-

Case No. 07-Civ.-4069 (MGC)

AIR PEGASUS HELIPORT, INC.,  
HUDSON RIVER PARK TRUST and the  
FEDERAL AVIATION ADMINISTRATION,

Defendants.

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PLEASE TAKE NOTICE that upon the Amended Complaint in this action dated December 28, 2007, the Memorandum of Law in support of this Motion, dated January 18, 2008, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court, at the Courthouse located at 500 Pearl Street, New York, New York, on **Thursday, February 14, 2008**, at 9:30 in the forenoon of that day or as soon thereafter as counsel can be heard, for dismissal of each of the Causes of Action in the Amended Complaint alleged against Defendant HUDSON RIVER PARK TRUST, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) for lack of jurisdiction over the subject matter and failure to state a claim upon which relief may be granted and for such other and further relief as to this Court may seem just and proper.

Dated: New York, New York  
January 18, 2008

Konner Teitelbaum & Gallagher

s/ \_\_\_\_\_

By: Michael A. Gould, Esq.

Attorneys for Defendant

HUDSON RIVER PARK TRUST

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